GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition and Excise Department – Request of Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool Zone for declaration of probation within the normal period in the cadre of Prohibition & Excise Inspector by relaxing rule 16 (h) of Andhra Pradesh State and Subordinate Services Rules, 1996 – Orders of APAT in OA No.2046/2011, dated.22.3.2013 and orders of High Court in W.P.No.31875/2013, dt.18.04.2018 - Relaxed – Orders – Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 242 **Dated: 13-03-2019**

Read the following:-

1. From the Hon'ble APAT, Hyderabad, orders in OA No.2046/2011 filed by Sri M.Sudheer Babu, S/o. Sreeramulu, Prohibition & Excise Inspector, Chittoor, dt.22.03.2013.
2. From the Hon'ble High Court of AP., Hyderabad, orders in W.P.No.31875/2013 filed by Sri M.Sudheer Babu, S/o. Sreeramulu, Prohibition & Excise Inspector, Chittoor, dt.18.04.2018.
3. From Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool Zone, representation, dt.03.05.2018.
4. From the Commissioner of Prohibition & Excise, AP., in Cr.No.12027/7/2018/CPE/B4, dt.10.08.2018.

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O R D E R:

Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool division selected as Prohibition & Excise Inspector through APPSC and he joined for training on 24.01.1998 and allotted to Zone-IV, vide Cr.No.20647/97/CPE/L3-2, dated 15.01.1998. The individual passed Account Test for Subordinate Officers Part-I, which is prerequisite for declaration of probation on 02.06.2002, ie., beyond the prescribed period of Probation period of 3 years. As such, his probation was extended to a later date by the Govt. invoking Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 and the service of the individual is deemed to have commenced from 26.07.2000, vide G.O.Rt.No.1169, Revenue (Ex.1) Department, dated.04.08.2004.

2. Sri M. Sudheer Babu, Prohibition & Excise Inspector submitted representation for relaxation of the Rule 16(h) of the A.P. State Subordinate Service Rules, 1996 stating that the Government relaxed Rule 16(h) of A.P. State Subordinate Service Rules, 1996 in favour of Sri R.Kishan by implementing the orders of the Hon'ble APAT in OA.No.1710/2008, dated.23.04.2010. But, the request was rejected by the Govt. vide Memo No.2329/Ex.1(2)/2011-3, dated.31-05-2011.

3. Aggrieved by it, Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool filed O.A.No.2046/2011 in APAT against the orders in G.O.Rt.No.1169, Revenue (Ex.1) Department, dated.04.08.2004. The Hon'ble APAT allowed the application, vide its order, dated. 22.03.2013 and held that "Having regard to the submissions made by the learned council of the applicant; after perusing the orders passed by the Tribunal in OA.No.1710/2008, dated.23.04.2010 and also the consequential orders issued by the Govt., the Tribunal is convinced that the claim of the applicant is squarely covered by the orders contained in OA.No.1710/2008, dated.23.08.2010, which are implemented by the Government, vide G.O.Ms.No.1253, dated.30.09.2010 and G.O.Ms.No.105, 106 & 107, Revenue (Ex.I) Department, dated.16.02.2013."

4. The Government filed an appeal against the orders of the APAT in Writ Petition No.31875/2013 in the Hon'ble High Court of AP., Hyderabad and obtained interim stay against the operation of the orders passed by the Hon'ble APAT in

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OA.No.2046/2011. Subsequently, the Hon'ble High Court in WPMP No.39609/2013 and WVMP No.447/2015 in WP No.31875/2013 passed orders, dated.18.04.2018 that "as we are informed that interim order of suspension in identical matters, being W.P.Nos.653,1095 and 1115/2012, were vacated by this Court, vide common order, dated. 04.12.2012, the continuance of the interim suspension in this case is not warranted or justified. The said order is therefore vacated. WVMP is ordered accordingly."

5. Government have examined the orders of APAT, Hyderabad in OA.No.2046/2011 and also vacation of interim stay by the Hon'ble High Court in WPMP No.39609/2013 and WVMP No.447/2015 in WP No.31875/2013, dt.18.04.2018; keeping in view the orders issued in G.O.Ms.No.105, 106 and 107, Revenue (EX.I) Department, dt.16.02.2013 and common orders of Hon'ble High Court of Andhra Pradesh in W.P.M.P.No.802, 1349 and 1380 of 2012 in W.P.No.653, 1095 and 1115/2012, dt.04.12.2012 and W.P.No.32689/2014, dt.30.10.2014 and W.P.No.40739/2014, dt.30.12.2014 and in view of the specific circumstances of the case and orders of Courts, the Government have decided to relax Rule 16 (h) of A.P. State & Subordinate Service Rules in favour of Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool Zone by invoking the powers of relaxation conferred under Rule 31 of A.P. State & Subordinate Services Rules, 1996 in supersession of orders issued in G.O.Rt.No.1169, Revenue (Ex-I) Department, dt.4.08.2004 on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013.

6. Accordingly, in supersession of orders issued in G.O.Rt.No.1169, Revenue (Ex-I) Dept., dt.4.08.2004, Government hereby order to relax Rule 16 (h) of A.P. State & Subordinate Service Rules, 1996 in favour of Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool Zone on par with similarly situated persons in G.O.Ms.No.105, 106 and 107, Revenue (Ex.I) Department, dt.16.02.2013 and to treat the seniority of the applicant as per the ranking assigned by the APPSC in the cadre of Prohibition & Excise Inspector; subject to outcome of W.P.Nos.653, 1095 and 1115/2012, and W.P.No.32689/2014, and W.P. No.40739/2014.

7. The Commissioner of Prohibition and Excise, A.P., shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.8-82B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
Sri M. Sudheer Babu, Prohibition & Excise Inspector, Kurnool Zone**.(through the CPE., AP.)**

Copy:
The PS to Minister (Prohibition & Excise)
The PS to Chief Secretary to Government.
The PS to Spl.C.S. to CM.
The PS to Spl.C.S to Government (P&E)
Sf/Sc.

//FORWARDED::BY ORDER //

SECTION OFFICER.